



Order Filed on August 26, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

LAW OFFICES OF LEE M. PERLMAN
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In Re:

Elsworth & Mary Ungemah

Case No.: 18-12714 MBK

Chapter: 13

Hearing Date: August 24, 2022

Hon.: Michael B. Kaplan, Chief Judge

ORDER AUTHORIZING THE SALE OF REAL ESTATE

Recommended Local Form

☐ Followed

☒ Modified

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: August 26, 2022


Honorable Michael B. Kaplan
United States Bankruptcy Judge

In re: Elsworth A. Ungemah and Mary A. Ungemah
Case No.: 18-12714-MBK
Caption: Order authorizing the sale of real estate

This matter having come before the court upon the motion of Elsworth A. Ungemah, debtor in the above the captioned matter, for an order authorizing the sale of real property commonly known as 8 Laurelhurst Dr., Brick, New Jersey 08724, the arguments of counsel, if any, other further proofs as have been adduced, and for good cause shown, it is hereby

ORDERED as follows:

- 1) The Debtor is authorized to sell real property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363(b) and 1303.
- 2) The proceeds of sale must be used to satisfy the liens on the real property unless the liens are otherwise avoided by court order. Until such satisfaction the real property is not free and clear of liens.
- 3) In accordance with D.N.J. LBR 6004-5, the Notice of Proposed Private Sale included a request to pay the real estate broker and/or debtor's real estate attorney at closing. Therefore, the following professional(s) may be paid at closing.

Name of Individuals to be Paid	Linda Buschio (RE Agent) Michelle Katz (RE Attorney)
Amount to be Paid	Buschio - \$13,500.00 (4.5% of Gross Sale according to listing agreement) Katz - \$1500.00
Services Rendered	Buschio – Display and marketing of the subject property Katz – review of sale contract on the debtor's behalf

- 4) Other closing fees payable by the Debtor may be satisfied from the proceeds of the sale and adjustments to the price as provided for in the contract of sale may be made at closing.
- 5) The amount of \$47,350.00, claimed as exempt, may be paid to the Debtors.

- 6) The ☒ *balance of the proceeds* or the ☐ *balance due on the debtor's Chapter 13 Plan* must be paid to the Chapter 13 Trustee in the Debtors' case.
- 7) A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee within 7 days of the closing.
- 8) The debtor must file amended schedules A/B, C, and a modified chapter 13 plan not later than 21 days after the date of this order.
- 9) Other Provisions:
 - a. Secured Creditors are to be paid in full pursuant to a payoff quote valid through the date of closing unless Secured Creditors agrees to a short payoff, in writing, for the Subject Property;
 - b. If funds are a short fall then Secured Creditors has the right to reject any funds and a new payoff will need to be requested;
 - c. The sum of \$ 1800.00 may be held in escrow for the payment of attorney fees in connection with this motion;
 - d. The sum of \$ 473.50 may be held in escrow for the payment of attorney fees in connection with the debtor's motion to continue under administration;
 - e. Award of the above-mentioned attorney fees are subject to court approval pursuant to an appropriately filed application for supplemental fees;
 - f. If any proceeds remain above and beyond the payment the Debtors' bankruptcy in full, pursuant to a verified pay off figure provided by the Trustee, those funds shall be directed to the Debtors at closing;
 - g. No liens are avoided by virtue of this order.